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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/715,295

11/17/2003

Albert E. Johnstone III

8041-PA01D

5220

27111

7590

12/16/2004

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EXAMINER

GREEN, CHRISTY MARIE

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/715,295

**Applicant(s)**

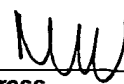
JOHNSTONE ET AL.

**Examiner**

Christy M Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-6 is/are rejected.
- 7) ☒ Claim(s) 2 and 7-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This is a first office action for serial number 10/715295, entitled Swivel Joint Apparatus and method of utility supply to a rotatable building, filed on 11/17/03.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1, 3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaiser, U.S. patent # 3,910,309.

Kaiser discloses the claimed invention a swivel joint apparatus comprising: an inner, fixed spindle (13), the spindle having a series of spaced, outwardly projecting annular flanges (11, 13A) defining a series of annular chambers (19, 20) between each adjacent pair of flanges, each flange having an outer peripheral edge and at least one ring seal (21, 22) mounted on the peripheral edge of each flange, the flanges having a predetermined outer diameter (figure 2), an outer casing (10) rotatably mounted on the spindle (13), the casing (10) having an inner diameter substantially equal to the outer diameter of the flanges (figure 2), the casing forming an outerwall of each of the annular chambers and being in rotatable sealing engagement with each of the ring seals (21, 22) to seal the chambers (19, 20), the spindle (13) having a lower end wall with a plurality of ports for connection to fixed utility lines in the fixed base of the building for fluid supply to and from the building (column 3, lines 3-5), and a bore (25) extending

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from each port through the spindle to a respective annular chamber (19, 20), where by each chamber is connected to at least one port (16, 17) in the lower end wall (figure 2); and the outer casing (10) having a series of axially spaced ports (45,47,48) including at least one port communicating with each of said annular chambers (through the internal portion of "10"); one of the annular chambers comprises a sewer chamber (within 13), the spindle having more than one bore communicating with the sewer chamber and the outer casing having a plurality of ports communicating with the sewer chamber (column 2, lines 62-63); the annular flanges (11, 13A) include two end flanges at opposite ends of the spindle (13) forming an outer end wall of respective opposite end chambers (figure 2), and a plurality of spaced intermediate flanges (38, 40) separating adjacent chambers along the length of the spindle, each intermediate flange having a pair of spaced ring seals (40) projecting outwardly from its peripheral edge.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiser.

Kaiser disclose the claimed invention as stated above in claim 1, including the annular chambers further include a water chamber (column 3, lines 3-5). Kaiser does not disclose a gray water chamber; a gas supply chamber. Since Kaiser teaches that it

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is known in the art to provide a water chamber and electric and waste chambers and lines going into the building structure from the swivel joint, It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a gray water chamber and a gas supply chamber, in order to further provide more variability to the swivel joint itself as well as to the building the joint provides utility lines into.

***Allowable Subject Matter***

Claims 2,, 7-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christy M Green whose telephone number is 703-308-9693. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

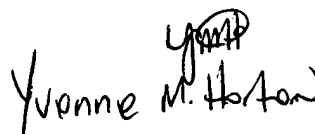
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cg

December 10, 2004



Yvonne M. Horton